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12/3/02

Serial #: 09/756,688
For: Removable Bearing Assemblies
Filed: January 9, 2001
Inventor: Richard L. Fisher
GAU: 3617
Examiner: Avila
Docket #: Fisher-001221

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DECLARATION OF MARK L. FISHER

I, Mark L. Fisher, declare as follows:

1. I am a citizen of the United States and reside at 33704 Poverty Point Drive, Avon, MN 56310.
2. I have been a shareholder and officer of Fisher Beavertail Manufacturing, Inc. since May, 1999.
3. The attached newspaper article (Exhibit B) was published on August 22, 1999 in the St. Cloud Times newspaper. The content was photographed and prepared before that date. The center photograph of Exhibit B captioned "Mark Fisher attaches the motor to his boat for testing" is a photograph of a drive assembly for a marine mud motor, comprising: an elongate drive tube, configured for rotatably receiving a drive shaft therethrough, wherein a lower end of the drive tube includes a drive assembly housing, having a lower end; a bearing, in rotational communication between the drive assembly housing and the drive shaft; and a seal, contained within the drive assembly housing, configured to restrict contaminants from entering the drive assembly housing.
4. The mud motor including assembly housing and bearing photographed in Exhibit B was

assembled, tested and demonstrated, thereby constituting reduction to practice, on or before August 22, 1999 and was not concealed or abandoned, as prima facie evidenced by Exhibit B.

5. The words "marine mud motor" set forth in the presently amended claims and the marine propulsion system 100 illustrated in figure 1 of our present pending patent application for a mud boat as described on page 2 in lines 12-18 and on page 7 in lines 12+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
6. The words "elongate drive tube" set forth in the presently amended claims and the casing 140 illustrated in figure 1 of our present pending patent application as described beginning on page 7 in lines 15+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
7. The words "drive shaft" set forth in the presently amended claims and the propeller shaft 130 illustrated in figure 1 of our present pending patent application as described beginning on page 7 in lines 15+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
8. The words "drive assembly housing" set forth in the presently amended claims and the bearing housing 210 illustrated in figure 2 of our present pending patent application as described beginning on page 8 in lines 1+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
9. The words "drive shaft" set forth in the presently amended claims and the propeller shaft

130 illustrated in figure 1 of our present pending patent application as described beginning on page 7 in lines 15+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.


10. The words “seal cap” set forth in the presently amended claims and the cover 220 illustrated in figure 2 of our present pending patent application as described beginning on page 9 in line 21 of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
11. The words “drive assembly” set forth in the presently amended claims and the sealed bearing unit 200 illustrated in figure 1 of our present pending patent application as described on page 7 in lines 19+ of our specification are recognized as interchangeable to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
12. The words “a bearing in rotational communication *between* the drive assembly housing and the drive shaft” set forth in the presently amended claims do not require that the bearing be in rotational communication solely with the drive assembly housing. The location and operation of bearings 260 - 264 as illustrated in the figures of our present pending patent application for a mud boat and as described beginning in line 22 of page 7 of our specification are recognized as being in rotational communication *between* the drive assembly housing and drive shaft to those of ordinary skill in the art, and one skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.
13. The words “a seal contained within the drive assembly housing, configured to restrict contaminants from entering the drive assembly housing” set forth in the presently amended

claims are recognized as being interchangeable with the description in the present specification of water being prevented from entering, and that in fact water is a contaminant and will be recognized and understood by those of ordinary skill in the art as not only being a contaminant, but also being the vehicle through which additional contaminants are transported. One skilled in the art would be able to recognize the identity and be enabled based upon our present disclosure.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issuing thereon.

Dated: November 14, 2002

Signed:

A handwritten signature in black ink, appearing to read "Mark L. Fisher". The signature is fluid and cursive, with a large, sweeping loop at the end.

Mark L. Fisher

BEST AVAILABLE COPY

QUESTIONS OR COMMENTS ABOUT OUR
OUTDOORS COVERAGE? CALL:

DAVE DELAND, SPORTS EDITOR, 255-8771

OR TOM ELLIOTT, ASSISTANT SPORTS EDITOR, 259-3661

FOR PEOPLE WITH HEARING IMPAIRMENTS, TDD 255-8789

Outdoors innovations

Fishers find a better way to hunt

Sartell brothers
motor allows wilder
duck hunting tips

By Glen Schmitt

TIMES OUTDOORS COLUMNIST

Everyone has their own way of doing things. This is especially true for hunters or anglers and the approach they take to their favorite outdoor-related activity.

Within this group, you'll find the type of people who spend a lot of money on all the latest gadgets geared towards the hunter and angler. They simply purchase items that make their outdoor experience easier and more enjoyable.

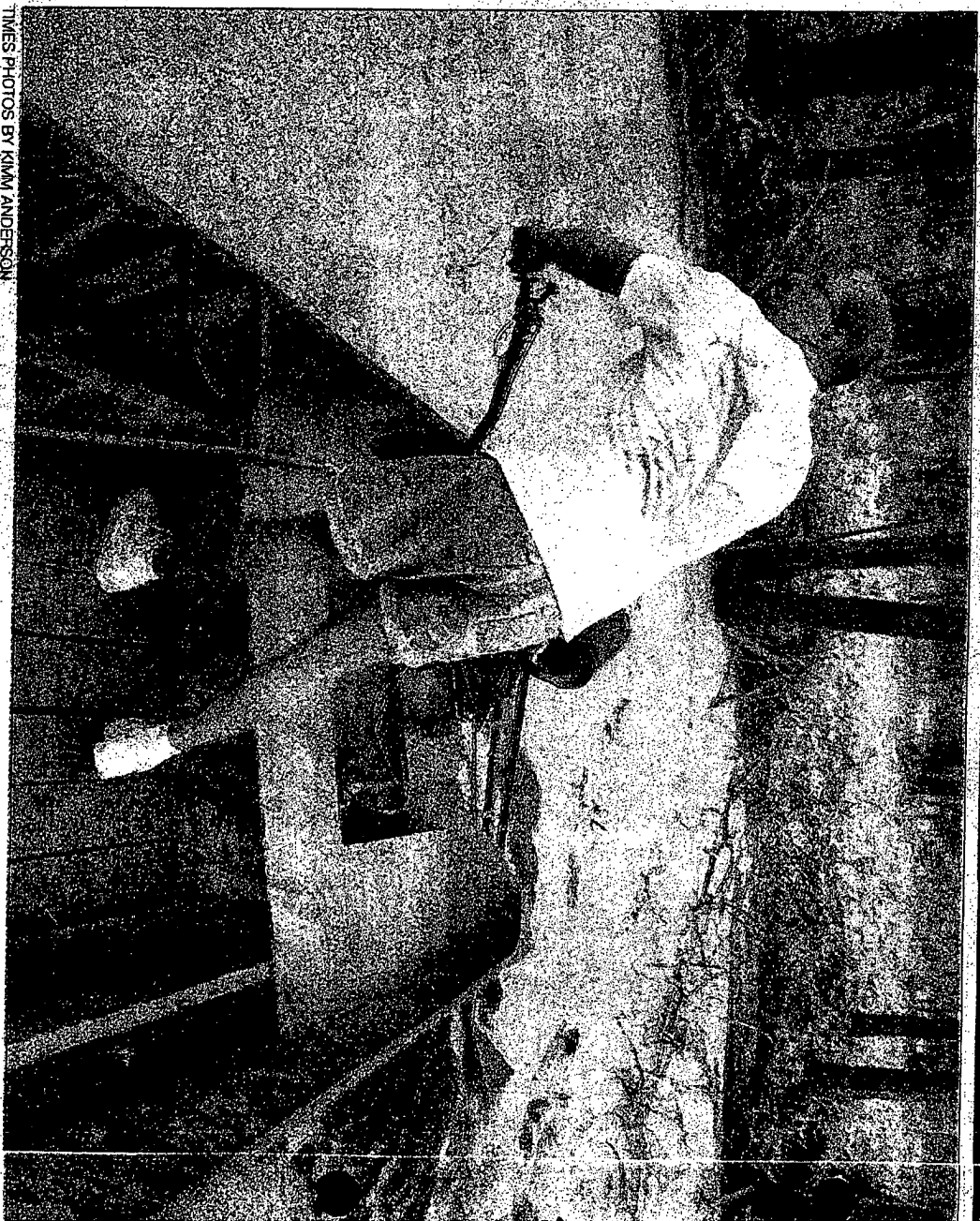
Others learn that becoming a successful hunter and angler is accomplished through a trial and error process. As usual, Dick Fisher started brainstorming. He thought he had come up with a solution when he purchased a boat motor designed specifically to go through the type of mud and muck he wanted to explore.

After using the motor, he soon found out that it didn't do everything the brochure said it would and it certainly didn't meet his expectations.

Fisher, being the innovator that he is, soon realized that the motor needed some improvements. Although the concept was a good idea, Dick knew that by playing around with some better parts and improving the quality of the motor shaft, he could design the type of product he needed.

"The shaft needed to be longer, it needed to be weedless, and the overall durability had to be improved," Fisher said. "I

Outdoors



TIMES PHOTOS BY KIM ANDERSON

Mark Fisher of Fisher's Beavertail Manufacturing makes a turn with his company's uniquely designed outboard

motor in a shallow, tree-laden backwater on the Mississippi River near Sartell.

COPY

Exhibit
B (1 of 2)

ST. CLOUD
Times 8C

Sunday, Aug. 22, 1999

able to their favorite outdoor related activity.

Within this group you'll find the type of people who spend a lot of money on all the latest gadgets geared towards the hunter and angler. They simply purchase items that make their outdoor experience easier and more enjoyable.

Others learn that becoming a successful hunter and angler is accomplished through a lot of hard work and a lot of trial and error. They learn that people learn and gain experience in a very different way than they do in the classroom. They learn that people learn by doing.

Then there's a group of people who are best defined as innovators. These are individuals that come up with new ways to improve any outdoor related activity. They seem to always be tinkering with something new, hoping to improve it or simply develop a product of their own.

Sartell was one of the innovators that fell into this category. He was one of the people that was at something like a gun show or a duck hunting convention and he saw something that could be improved upon. He saw a motor that could be used in a boat and he thought, "I can do better than that."

Fortunately, Fisher also has the ability and knowledge to carry out his thoughts and turn them into a better motor for supply development in his own being. An avid waterfowl hunter, Fisher saw a need to come up with a way to reach ducks that just weren't accessible by boat. The average outboard motor or walking He figured there had to be a way to reach areas that other hunters couldn't get to.

"There were spots that I knew held a lot of ducks and geese and that they were there for a reason," Fisher said. "It was mainly because nobody could get to them. Either it was too swampy, the water was shallow, or it was just too thick to reach by any normal means of transportation."

he's, some realized that the motor needed some improvements. Although the concept was a good idea, Dick knew that by playing around with some better parts and improving the quality of the motor shaft, he could design the type of product he needed.

"The shaft needed to be longer. It needed to be weedless and the overall durability had to be improved," Fisher said. "I needed something that would go through it's about anything you steered in its direction and survived the test."

He eventually came up with that type of motor and soon realized that the product was worth showing to other waterfowl hunters.

As a result, Dick Fisher was seen in business. Along with his brother and business partner, they started Fisher Beaver Manufacturing four years ago with the sole purpose of making and distributing stronger, longer lasting motors to the waterfowl hunting community.

According to Mark Fisher, the idea was to start selling the Beaver Motors was an easy one. "We were both avid duck hunters and realized that Dick had designed the perfect motor for any waterfowl hunting situation," he said.

"You need to understand that as the hunting world gets more crowded, people need to have the ability to go where others can't. We've come up with a product that allows that."

Mark Fisher also said that the motor speaks for itself once people see it being used. Apparently, they like what they see, since their business has grown each year since its inception.

"Although we still build them on a one at a time basis, right in Sartell, the growth of the company has been insane," said Fisher. "We're shipping motors all over North America."

"When a relatively small shop and a demand for product, the Fisher brothers have found four more peo-



PHOTOS BY KIM ANDERSON
Mark Fisher of Fisher's Beaver Tail Manufacturing makes a turn with his company's uniquely designed outboard

motor in a shallow, tree-laden backwater on the Mississippi River near Sartell.



Mark Fisher attaches the motor to his boat for testing.



A line of stainless steel props await their essential use.

ple to help build the motors. It was a solution to a problem Dick Fisher was glad to deal with.

"We custom make each unit so there's quite a bit of work involved," Dick Fisher said. "But it's important to us that we take

today and that everyone that's purchased a Beaver Tail Motor is glad they did.

For enthusiastic waterfowl hunters like Mark Steigel of St. Cloud, the motor has provided many hunting opportunities that were otherwise left to just think about. He knows and appreciates the fact that someone took the time to come up with the type of motor that serious waterfowl hunters need.

"I've been hunting ducks for 30 years and I've never been able to hunt the backcountry like I can now," Steigel said. "This thing is unbelievable."

Comments like those are quite rewarding to Mark Fisher who also appreciates the fact that his brother took the time to design

what he calls the perfect duck hunting motor.

"Dick is the founder. All the technical stuff, the frame, the dies, and props, those were all Dick's idea," Mark Fisher said. "Everything that motor does is because of Dick. There's nothing else like it."

Mark also feels fortunate that both men now have the opportunity to take part in something they've enjoyed their entire lives and most importantly, they have been able to make a career out of it.

"Before we got into this, we were both business men that loved to duck hunt," he said. "Now, in a sense, we're making a living doing it and that's been the most fun part."